

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEVARIO PENN,

CASE NUMBER: 08-11288

Plaintiff,

HON. MARIANNE O. BATTANI

v.

DETROIT POLICE OFFICER IVAN
BELEW a/k/a "Scooby", Badge 469, etal,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE MOTION FOR PRESUMPTION OF THE
EVIDENCE DUE TO SPOILATION AND FOR SANCTIONS AGAINST DEFENDANT
BELEW FOR PERJURED TESTIMONY**

Pending before the Court is Plaintiff's Motion for Presumption of the Evidence Due to Spoilation and for Sanctions Against Defendant Belew for Perjured Testimony, filed on December 23, 2009. For reasons more fully stated on the record at a hearing held on February 1, 2010, the motion is DENIED without prejudice, however, the court will allow the redeposition of defendants.

IT IS SO ORDERED.

s/Marianne O. Battani

MARIANNE O. BATTANI

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were mailed and/or electronically filed to all counsel of record on this date.

s/Colette Motowski

Secretary

February 1, 2010